

came into the house of the said William Troth this Deponent Lib. R. R. R. asked the said William Troth for a key, the said William Troth turned himself to make answer to this Deponent, and the Indian made ready his Gunn; and as the said William Troth turned himself, the muzzle of the said Indians gunn was towards the said William Troth, the said William Troth endeavoured to gett hold of the Indians gunn, before the said Troth could lay hold, the gunn went off; when the Indian saw he had done noe execution, then the said Indian tooke to his Tomohawke, and followed the s^d William Troth about Seaven or Eight yards, and then the said William Troth called for his gunn, whereupon this Deponent went and fetched it, and the Indian Runn away, the said William Troth shott after him about thirty or ffourty yards. And further this Dep^t saith not.

Court. Ordered the Interpreter to ask the Indians why the Prisoner denyed his nation.

Prison^r Replyed he was drunk and knew not what he did. p. 67

Court. Ordered the Interpreter to ask the prison^r what defence he could make for himself.

Prison^r Said he was drunk, otherwise he would not have shott at W^m Troth, or have done any mischief.

Court. Told the Prisoner that it was the English Law, that if a drunken man committed murder when he was drunk, he must Suffer death, and that if drunkenness would excuse a man from doing mischief, then the English might make themselves drunk, & kill the Indians.

King Ababco. Said that an English man shott at three Indian boyes, but they came home and not hurt, soe he tooke noe notice.

Court. Said the English was not informed, if they had the English man should have suffered as the Law prescribes in such case.

Court. Ordered the Interpreter to tell them that we can remember severall miscarriages of their Indians, for which they have not been punished, but we came not here to call to mind old differences, rather expect they should be forgott on both sides; but now we have taken this prison^r in the fact, and he ought to Suffer, desire to know whither what they have said be to justify the prisoner, if soe we would consider what further to say to them.

Indians. Replyed they could not justify the prisoner, neither did they come to excuse him.

Court. Ordered the Interpreter to tell the Indians that it is the custome of Christian Nations, that if peace is broke, he that doth it most surely die, and this Indian prisoner by the Law deserves death, but the English not desirous to exercise the rigour of the Lawe.